

REMARKS

Reconsideration of the application is respectfully requested in view of the previous amendments and the following remarks. Claims 1, 2, 4, 5, 8-12, and 14-20 have been amended. The support is found at least in the original claims of the application. Claims 3 and 13 have been cancelled. The specification has been amended to remove hyperlinks. Therefore, no new matter has been introduced with this Response.

In the Restriction Requirement, the Examiner requested the Applicants to select one of five species identified in sections 2-6 of the Restriction Requirement

Applicants elect the methods relating to down regulation of quorum sensing using a composition comprising peptide hydrolase. Claims 1-12 read on the elected species. This election is traversed for the following reasons.

First, Applicants respectfully disagree that the unity of invention among the species is lacking. The Examiner cites Berka (US 20030027310) to assert that Berka “modulates, specifically down regulates quorum sensing and biofilm formation by administering or contacting a surface with a Lactono-hydrolase, a type of peptide hydrolase ...” Applicants note that although this document refers (see paragraphs [0169] to [0183]) to the prevention of microbial biofilms, the disclosure appears otherwise unrelated to the present invention. Specifically, US 2003/0027310 relates to the use of compositions comprising one or more polypeptides having lactonohydrolase activity which degrade lactones produced by microorganisms in the formation of a biofilm, which is entirely unrelated to the use of peptide hydrolases to hydrolyse LuxR or LuxR homologues involved in quorum sensing or peptide hydrolase inhibitors to prevent such hydrolysis. In fact, the search of the publication for “LuxR” did not demonstrate even one occurrence of this term in the ‘310 publication.

The instant claims are linked by the common inventive concept of regulating quorum sensing by modulating the ability of LuxR or a homologue of LuxR to activate transcription. Thus, contrary to the Examiner’s assertion, the instant claims are linked by a “special technical feature that makes a contribution over the prior art.” See Restriction Requirement at 5. Therefore, for at least this reason, Applicants respectfully request the Examiner to consider all five species (listed in sections 2-6 of the Restriction Requirement).

Second, Applicants further respectfully note that the claims related to a composition comprising a peptide hydrolase and a carrier are related to and depend from the claims drawn to down regulation of quorum sensing using a composition comprising a peptide hydrolase. Thus, Applicants respectfully submit that in searching for the composition comprising a peptide hydrolase, the Examiner will inevitably search for the methods of inhibiting quorum sensing with a peptide hydrolase. Thus, no significant burden will be imposed on the Examiner. Accordingly, at the very least, Applicants respectfully request the Examiner to consider species 1 and 2 (recited in sections 2 and 3, respectively, of the Restriction Requirement) together.

Applicants further respectfully remind the Examiner about the duty to search non-elected species once the elected species is found patentable as noted in MPEP § 803.02.

CONCLUSION

Applicants respectfully submit that for at least these reasons the pending claims are valid and favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, Applicants request a personal meeting with the Examiner.

The USPTO is authorized to charge Deposit Account No. 50-1943 for any charges in connection with this matter.

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Respectfully submitted,

By: /Vyacheslav Vasilyev/
Vyacheslav Vasilyev, Reg. No. 58,154
Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311
Telephone (609) 844-3021
Facsimile (609) 896-1469
Attorney for the Applicant(s)